

STATE OF RHODE ISLAND

RHODE ISLAND ETHICS COMMISSION

PROPOSED AMENDED REGULATION 1006

Regulation 1006 - Finding of Probable Cause.

- (a) The Executive Director or designee shall submit a written report to the Commission summarizing the results of the investigation. The Executive Director or designee may make a recommendation as to the existence or non-existence of probable cause. A copy of this written report shall be sent to the Respondent and/or counsel no less than fourteen (14) days before the scheduled hearing regarding the existence of probable cause. A copy of any report, and written response thereto, so submitted shall be made public and a part of the official Commission Complaint file, upon the issuance by the Commission of either a Finding of Probable Cause or a Dismissal of the Complaint.
- (b) The Commission shall permit the Respondent and/or counsel to submit a written statement and/or to appear for the purpose of presenting arguments and/or written evidence in response to the allegations against him or her. ~~Any Complainant in the Complaint at issue may also attend the hearing regarding the existence of probable cause.~~
- (c) The Commission shall consider the Complaint, any amendment thereto, the written report submitted by the Executive Director or designee, and recommendation, if any, and any response submitted by the Respondent and/or counsel, in addition to any arguments or statements made thereupon by the Executive Director or designee and the Respondent and/or counsel, in finding the existence of probable cause. The Commission shall conduct its hearing regarding probable cause in Executive Session as an investigative proceeding, pursuant to R.I. Gen. Laws § 42-46-5(a)(4).
- (1) If the Commission finds that probable cause does not exist, the Complaint shall be dismissed with prejudice and the Respondent and the Complainant, if any, shall be sent a copy of the Dismissal of the Complaint within three (3) working days of such issuance. A Complaint dismissed for lack of probable cause shall not be

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entertained again by the Commission unless new facts are discovered which materially add to the Complaint.

- (2) If the Commission finds that probable cause exists to support the allegations of the Complaint, its findings shall state in detail such violations complained of and the manner in which they occurred. A copy of the Finding shall be mailed to the Respondent and the Complainant, if any, within three (3) working days of such issuance. The Commission shall schedule an adjudicative hearing on the matter. The Finding of Probable Cause constitutes the official Commission Complaint upon which the hearing shall be held.

CONCISE SUMMARY OF NON-TECHNICAL AMENDMENT

This amendment eliminates the Complainant's attendance in the executive session hearing to determine whether probable cause exists, recognizing that the Complainant is not a party to an enforcement action. Rather, the people of the State of Rhode Island, represented by the Executive Director or his/her designee, and the Respondent are the parties in interest.